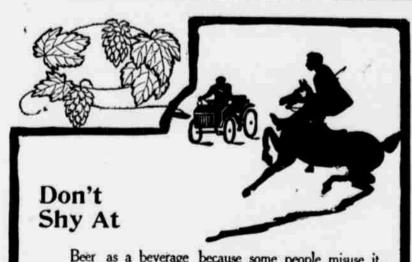


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LABOR LAW INVALID.

Breckons Holds law Unconstitu-

follows:

tion is invalid and the courts will ing party shall enjoy in the terrinot enforce the same. My reasons tories of the other the same privifor this opinion are as follows:

"No state shall make or enforce tion, any law which shall abridge the person within the jurisdiction the favored nation." equal protection of the laws."

being Sec. 1977, Revised Statutes territorial law. of the United States, which is as

tion of the United States shall have of other countries and those of Japtracts, to sue, be parties, give evi- treaty referred to. dence, and to the full and equal benefit of all laws and proceedings for the security of persons and property as is enjoyed by white citizens, and shall be subject to like punishment, pains, penalties, taxes, kind, and to no other."

above quoted "nor deny to any son aged three to go into the water person within its jurisdiction the without the formality of a bathingequal protection of the laws" has in suit. One such afternoon recently every instance in which it has been a party of young ladies arrived before the courts, been held to cover unexpectedly, and were comfortably the case of all persons, whether cit- settled on the wide verander when izens or alieins, residing within young Richard calmly ascended the the jurisdiction; hence all aliens, steps, clad only in unsuspecting inresiding within the Territory of nocence and a huge straw hat.

waii, referred to, certainly discrimi- said sternly: "Richard, remove nates between persons resident with- your hat in the presence of ladies.' in the Territory. By its terms all persons are not equally entitled to When some men fail to make a acquire and enjoy property. By its hit they try to blame it on the terms, impediments are interposed hammer. to the pursuits of some which are not applied to the same pursuits by Prominent West India Merchant the others.

The constitutional amendment has been applied by the Federal and State courts in a variety of cases, caught a severe cold. She coming, involving the same principal as had a bad cough. I gave her is involved in this question under Chamberlain's Cough Remedy

labor, as though it had said so in in my family for the past seven or Chinese. Under the laws of the India Islands. For sale by Hilo United States neither Chinese nor Drug Co. Japanese can become naturalized: they are not eligible to American citizenship. The act, therefore, might just as well have said that every body but Japaneses and Chinese might be employed on public works, irrespectively of their citizenship. Should the law be held valid, practically the only persons who could be prohibited by its provisions from being employed in public works would be Chinese and Ja-

I am not prepared to say what my opinion would be as to the validity of a law preventing all aliens from engaging in public work. The question does not appear to have been flatly decided by any court, although in one very recent case the Supreme Court of the United States, while refusing to pass on the question, intimated that it was a very serious one.

Aside from the constitutional question, there is in my judgment another reason why the Act should be delared void.

By a treaty between the United States and Japan, ratified in 1895, was provided as follows:

"The citizens and subjects of each of the high contracting parties shall have full liberty to enter, travel or reside in any part of the territorities of the other contracting

party, and shall enjoy the full and protection for their persons and

"In whatever relates to the rights In an opinion delivered on the of residence and travel; to the pos-Hawaii Shinpo United States Dis- session of goods and effects of any trict attorney Breckons shows that kind; to the succession to personal the Territory law excluding Japan- estate by will or otherwise, and the ese from public works is unconstidisposal of property of any sort, tutional. This opinion in full is as and in any manner whatsoever, which he may lawfully acquire; the In my opinion, the law in ques- citizens or subjects of each contractleges, liberties and rights, and shall The fourteenth amendment to the be subject to no higher imposts, or Constitution of the United States charges in these respects than naprovides among other things as tive citizens or subjects, or citizens or subjects of the most favored na-

"They will not be compelled unprivileges or immunities of citizens der any pretext whatsoever to pay of the United States; nor shall any any charges or taxes other or highstate deprive any person of life, er than those that are, or may be liberty, or property without due paid by native citizens or subjects, process of the law, nor deny to any or citizens or subjects of the most

The provisions quoted, and others This provision is also enforced in the treaty, are in my jugment by legislation enacted by Congress, opposed to the provisions of the

The law of the territory in question, as I have already said, dis-"All persons within the jurisdic- tinguishes clearly between subjects the same right in every State and an and China, and for this reason Territory to make and enforce con- is void as being in conflict with the

Very respectfully, R. W. BRECKONS. -Hawaii Shinpo.

Politeness.

The N-s have a summer cottage licences, and exactions of every in an unfrequented spot along the shore. On hot summers, when The latter part of the amendment they are alone, Mr. N- allows his

Hawaii, are protected by the clause. For an instant absolute silence The law of the Territory of Ha- reigned, then the boy's big brother

Cures His Daughter of a Threatened Attack of Pneumonta.

"Some time ago my daughter according to directions and in two The Territorial Act is as palpably days she was well and able to go to aimed at the Japanese and Chinese school. I have used this remedy a very large percentage of laborers fail," says James Prendergast, merin the Territory are either Japanese chant, Annato Bay, Jamaica, West

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